



Wally Zimolong, Esq.  
Admitted in PA & NJ  
Wally@ZimolongLaw.com

June 1, 2024

Via ECF

The Honorable Malachy Mannion  
United States District Court  
Middle District of Pennsylvania

Re: **French, et. al. v. County of Luzerne, et. al.**  
**No. 3:23-cv-00538**

Dear Judge Mannion:

I represent plaintiffs in this case. I am writing to respectfully request the Court's expedited consideration of the plaintiffs' motion for summary judgment. Under 28 U.S.C. § 1657(a), the Court may expedite consideration of a cases involving rights under the Constitution of the United States or federal statute. As this case, involves the constitutionally protected right to vote, this case fails within the categories of cases that the Court may expedite.

But there is exists another "good cause" reason to expedite consideration of this case – the rapidly approaching 2024 Presidential Election. The consequences of a repeat of the 2022 general election in Luzerne County - which was calamitously administered by untrained officials without any policies and procedures to guide them - would be catastrophic, regardless of which candidate wins Pennsylvania.

Plaintiffs have good cause to be concerned. In early February, the County's Director of Elections – yet again – resigned. Jennifer Learn-Andes, *Luzerne County Election Director Eryn Harvey Resigns*, Time Leader, Feb. 9, 2024, <https://www.timesleader.com/news/1644874/luzerne-county-election-director-eryn-harvey-resigns>. This means Luzerne County will have its fourth new Director of Elections in less than two years. Worse, the County has appointed Emily Cook as the acting Director of Elections. Cook admitted to having little elections administration experience and to having received no training by the County regarding how to administer elections. ECF No. 51 at ¶¶ 33-38. Indeed, Cook was closely involved with the nearly failed election in 2022. Moreover, the Luzerne County District Attorney

---

353 West Lancaster Avenue, Suite 300, Wayne, PA 19087

215.665.0842 | ZimolongLaw.com



Wally Zimolong, Esq.  
Admitted in PA & NJ  
Wally@ZimolongLaw.com

has investigated two County elections since 2021 and found that high-turnover and inexperienced election officials have caused election issues, including the 2022 ballot paper shortage that is the subject matter of this litigation. ECF No. 49-5, at p. 23 and ECF No. 53-2 at p. 10. That high turnover is continuing. Judicial intervention is the only way voters can be assured that the County gets it right in this pivotal and charged election year.

I understand that the Court has a docket of matters which litigants believe are equally as urgent. But those cases do not involve an election where Pennsylvanians will vote for President and United States Senator. Pennsylvanians very well could decide who is our next President and which party controlled the United States Senate. There is no margin for error. In light of these circumstances, I respectfully request that the Court gives the plaintiffs' motion for summary judgment expedited consideration. I stand ready to answer any questions the Court may have about this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Wally Zimolong', is enclosed within a thin blue rectangular border.

Wally Zimolong, Esquire

cc: Drew McLaughlin, Esquire (via ECF)